



United States Department of the Interior

FISH AND WILDLIFE SERVICE

6620 Southpoint Drive, South
Suite 310
Jacksonville, Florida 32216-0912

IN REPLY REFER TO:
41910-2007-FA-0033
41910-2007-I-0217

March 15, 2007

Ms. Marie G. Burns
Chief, Planning Division
P.O. Box 4970
Jacksonville, Florida 32232
(Attn: Mr. Eric Gasch)

Re: Review of Section 7 Biological Assessment for the Proposed Suwannee River Maintenance Dredging Project (FWS Log Nos. 41910-2007-FA-0033/41910-2007-I-0217)

Dear Ms. Burns:

In regard to your August 28, 2006 request for section 7 consultation under the Endangered Species Act of 1973, (ESA) as amended (16 U.S.C. 1531 *et seq.*) and the Marine Mammal Protection Act of 1972, (MMPA) as amended (16 U.S.C. 1461 *et seq.*), we received your Biological Assessment (BA) of the proposed project, dated December 21, 2006, on December 27, 2006. We reviewed the BA and determined that in order to complete consultation, we needed additional information, specifically; the location of river km 0 on a topographic map. We received the requested, additional information on January 29, 2007, which delineated USFWS jurisdiction (beginning landward from river km 0) from NOAA-Fisheries jurisdiction (beginning seaward from river km 0) regarding critical habitat designation for the federally threatened Gulf sturgeon.

After reviewing the biological assessment, the river km 0 location data you provided, the final draft "Dredged Material Management Plan with Environmental Assessment: Suwannee River: Dixie County, Florida" (dated September 2006) and other pertinent information, we concur that the project will have no effect on the Red-cockaded woodpecker (*Picoides borealis*). We concur that the project may affect, but is not likely to adversely affect the Gulf sturgeon (*Acipenser oxyrinchus desotoi*), nor adversely modify Gulf sturgeon critical habitat that is within the Service's jurisdiction. Furthermore, we concur that the project may affect, but is not likely to adversely affect the following federally endangered or threatened species: West Indian manatee (*Trichechus manatus latirostris*); Florida salt marsh vole (*Microtus pennsylvanicus dukecampbelli*); Bald eagle (*Haliaeetus leucocephalus*); Florida scrub jay (*Aphelocoma coerulescens*); Wood stork (*Mycteria americana*); Eastern indigo snake (*Dymarchon corais couperi*); Green sea turtle (*Chelonia mydas*); Kemp's ridley sea turtle (*Lepidochelys kempii*); Leatherback sea turtle (*Dermochelys oriacea*); and the Loggerhead sea turtle (*Caretta caretta*). Our concurrence is based on the project description and the following conservation measures as stated in your biological assessment, dated December 21, 2006, and your dredged material management plan, dated September 2006.

Standard manatee protection provisions as of July 2005 would be employed during construction and included in the construction specifications as follows:

- All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

- All vessels associated with the construction project shall operate at idle Speed/No Wake at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
- Temporary signs concerning manatees shall be posted prior to and during all inwater project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area must be posted. A second sign measuring at least 8 1/2" by 11' explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

Gulf Sturgeon Conservation Measures

- Dredging of the channel would be restricted to the period of 15 May to 15 October to avoid potentially adverse impacts on Gulf sturgeon. USACE will also coordinate impacts to the Gulf sturgeon with the National Oceanic and Atmospheric Administration's National Marine Fisheries Service under Section 7 of the Endangered Species Act.

Standard protection measures for the eastern indigo snake would be implemented during construction and included in the construction specifications as follows:

- An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (e.g., an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur).
- Informational signs should be posted throughout the construction site and contain the following information:
 - a) description of the eastern indigo snake, its habits, and protection under Federal Law;
 - b) instructions not to injure, harm, harass or kill this species;
 - c) directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and
 - d) telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water, then frozen.
- Only an individual who has been either authorized by a section 10(a)(1)(A) permit issued by the Service, or designated as an agent of the State of Florida by the Florida Fish and Wildlife Conservation Commission for such activities, is permitted to come in contact with or relocate an eastern indigo snake.
- If necessary, eastern indigo snakes shall be held in captivity only long enough to transport them to a release site; at no time shall two snakes be kept in the same container during transportation.

- An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
 - a) any sightings of eastern indigo snakes;
 - b) summaries of any relocated snakes if relocation was approved for the
 - c) project (e.g. locations of where and when they were found and relocated); and other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Please contact Dr. Heath Rauschenberger at 904-232-2580 ext. 135 if you have any questions regarding this letter or CAR report.

Sincerely,

A handwritten signature in black ink, appearing to read "David Hankla", written in a cursive style.

David Hankla
Field Supervisor